

197620



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on October 17, 2002

NOTICE OF ACTION TAKEN – DOCKET OST-2002-12550 – 6

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of American Airlines, Inc. filed 10/02/2002 for:

XX Waiver of the 90-day dormancy condition applicable to its allocation of 2.5 weekly frequencies to operate US-Ukraine third-country code-share services.

By Notice of Action Taken dated July 30, 2002, in this docket, the Department granted American 2.5 weekly frequencies for US-Ukraine third-country code-share services, subject to our standard 90-day dormancy condition. American intends to use the frequencies for services to Kiev via Zurich under a code-share arrangement with Swiss International Air Lines.

In the absence of the requested dormancy waiver, the frequencies would revert to the Department on October 28, 2002. American indicates that it has applied to the Government of Ukraine for the required authorization and expects to receive approval shortly. However, to insure against the possibility that the needed authorization is not secured by October 28, American is seeking a temporary waiver through December 27, 2002, of the dormancy condition applicable to its allocation of 2.5 weekly frequencies.

No answers to the application were filed.

Applicant rep: Carl B. Nelson (202) 496-5647

DOT Analyst: Michael D. Bodman (202) 366-9667

DISPOSITION

XX Granted.

The above action was effective when taken: October 17, 2002, through December 27, 2002.¹

Action taken by: **Paul L. Gretch, Director**
Office of International Aviation

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX Holder's certificates of public convenience and necessity.

XX Statement of Authorization dated April 23, 2002, in Docket-2002-12001, authorizing American/Crossair d/b/a Swiss code-share operations, and conditions therein.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975.

¹American's waiver from the dormancy condition is effective until December 27, 2002, or until the date on which American begins service with these frequencies, whichever occurs earlier. As to any frequency with which American does not begin service by December 27, 2002, its allocation with respect to that frequency will expire automatically.

To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR § 385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this order is available on the World Wide Web at
http://dms.dot.gov/reports/reports_aviation.asp*